IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL ACTION NO. 3:13-CV-00502-RJC-DSC

KONA ICE, INC.,)	
DL-24266)	
Plaintiff,)	
v.)	<u>ORDER</u>
JEREMY BRYAN HUNT D/B/A KAHUNA ICE,)	
Defendant.)	

THIS MATTER is before the Court on "Plaintiff Kona Ice's Motion to Compel" (document #23). Pro se Defendant has not responded to the Motion and the time for responding has expired.

Plaintiff seeks an order compelling Defendant to file a complete, verified response to its Interrogatory Number Five. Plaintiff credibly asserts that Defendant promised to provide a verified response four times but each time has served an unverified response.

Defendant previously ignored the LCvR 7.1(B) "meet and confer" requirement prior to filing a Motion to Amend and failed to attach a certificate of service to that Motion. <u>See</u> "Order" entered June 6, 2014 (document #22) (with Plaintiff's consent, <u>granted</u> Defendant's Motion to Amend his Answer). The Court warned Defendant that:

[A]ny further failure to comply fully with any of the Court's Orders, the Local Rules, or the Rules of Civil Procedure may result in the imposition of sanctions, which may include Defendant being required to reimburse Plaintiff for its reasonable costs and attorneys' fees and/or entry of judgment in Plaintiff's favor.

<u>Id.</u> (emphasis in original). For these and the other reasons stated therein, the Court grants

Plaintiff's Motion.

Courts generally have broad discretion in imposing sanctions under Rule 37 of the

Federal Rules of Civil Procedure. National Hockey League v. Metropolitan Hockey Club, Inc.,

427 U.S. 639 (1976). The Court finds that monetary sanctions are warranted here for

Defendant's continued obstructive conduct. The Court warns Defendant that failure to

comply fully with any of the Court's Orders, the Local Rules, or the Rules of Civil

Procedure may result in the further imposition of sanctions, which may include entry of

judgment in Plaintiff's favor.

NOW THEREFORE, IT IS ORDERED:

1. "Plaintiff Kona Ice's Motion to Compel" (document #23) is **GRANTED**. Within

seven (7) calendar days of the date of this Order, Defendant shall serve a complete, verified

response to Plaintiff's Interrogatory Number Five.

2. Defendant is ordered to pay Plaintiff the reasonable attorney's fees and costs incurred

in obtaining this Order, such amounts to be determined by the Court after reviewing an affidavit

submitted by Plaintiff's counsel within seven (7) calendar days of the date of this Order.

3. The Clerk is directed to send copies of this Order to the <u>pro se</u> Defendant, to

Plaintiff's counsel, and to the Honorable Robert J. Conrad, Jr..

SO ORDERED.

Signed: July 24, 2014

David S. Cayer

United States Magistrate Judge